



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/662,954

09/15/2003

Syed Mohammad Amir Husain

5602-12300

1057

7590  
Jeffrey C. Hood  
Meyertons, Hood, Kivlin, Kowert & Goetzel  
P.O. Box 398  
Austin, TX 78767

09/18/2008

EXAMINER

DENNISON, JERRY B

ART UNIT

PAPER NUMBER

2143

MAIL DATE

DELIVERY MODE

09/18/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/662,954	<b>Applicant(s)</b> HUSAIN ET AL.	
	<b>Examiner</b> J. Bret Dennison	<b>Art Unit</b> 2143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 24 June 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. This Action is in response to the Appeal Brief for Application Number 10/662,954 received on 6/24/2008.
2. Claims 1-33 are presented for examination.
3. The prosecution for this case has been transferred to another Examiner. All corresponding communications should be directed to Examiner's contact information, provided below.
4. Applicant's arguments, see Appeal Brief, filed 6/24/2008, with respect to the rejection(s) of claim(s) 1-33 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made, provided below.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting

Art Unit: 2143

directly or indirectly from an international application filed before November 29, 2000.

Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

5. Claims 1, 12, and 23 are rejected under 35 U.S.C. 102(e) as being anticipated by Warshavsky et al. (US 6732095).

6. Regarding claims 1, 12, and 23, Warshavsky disclosed a method comprising:  
generating a message from a source application on a first computer system (col. 4, lines 38-51, relational data referred to by Relational Object Instance);

translating the message from an original format to a portable format on the first computer system, thereby generating a portable message, wherein the portable message comprises metadata which comprise identifying characteristics of the source application (col. 4, line 65-67, col. 5, lines 20-30);

sending the portable message from the first computer system to a second computer system using peer-to-peer message passing between the first computer system, the second computer system, and optionally one or more intermediary computer systems (col. 4, lines 38-40, 57-65);

receiving the portable message at the second computer system (col. 4, lines 37-40, sending to second computer); and

routing the portable message to a target application on the second computer system based on the metadata (col. 7, lines 44-49).

Claim 12 includes a computer readable storage medium comprising instructions to implement the method steps performed in claim 1. Claim 23 includes a system having two computers in communication, with one of the computers stores instructions to implement the method of claim 1. Warchavsky disclosed such a system as shown in Fig. 1. As such, claims 12 and 23 are rejected under the same rationale as claim 1.

7. Claims 1, 12, and 23 are rejected under 35 U.S.C. 102(b) as being anticipated by Wray (US 20010010076).

8. Regarding claims 1, 12, and 23, Wray disclosed a method comprising:  
generating a message from a source application on a first computer system ([0151], "SLS PDU");

translating the message from an original format to a portable format on the first computer system, thereby generating a portable message, wherein the portable message comprises metadata which comprise identifying characteristics of the source application ([0151], XML generator layer that converts the SLS PDUs into XML; [[0096]-[0099]]);

sending the portable message from the first computer system to a second computer system using peer-to-peer message passing between the first computer system, the second computer system, and optionally one or more intermediary computer systems ([0151]);

receiving the portable message at the second computer system ([0151]); and

routing the portable message to a target application on the second computer system based on the metadata ([0151], [0158]-[0159]).

Claim 12 includes a computer readable storage medium comprising instructions to implement the method steps performed in claim 1. Claim 23 includes a system having two computers in communication, with one of the computers stores instructions to implement the method of claim 1. Wray disclosed a client communicating with a target service in the manner described (Fig. 12). As such, claims 12 and 23 are rejected under the same rationale as claim 1.

9. Regarding claims 2, 13, and 24, Wray disclosed the limitations as described in claims 1, 12, and 23, including determining an application type of the target application based on the metadata of the portable message ([0097]-[0099]);

determining whether an existing instance of the application type of the target application is running on the second computer system;

wherein the routing the portable message to the target application comprises routing the portable message to the existing instance if the existing instance of the application type of the target application is running on the second computer system; and

wherein the routing the portable message to the target application comprises routing the portable message to a new instance of the target application if the existing instance of the application type of the target application is not running on the second computer system ([0158]).

Art Unit: 2143

10. Regarding claims 3, 14, and 25, Wray disclosed the limitations as described in claims 1, 12, and 23, including delivering a payload of the message to the target application ([0151]).

11. Regarding claims 4, 15, and 26, Wray disclosed the limitations as described in claims 1, 12, and 23, including translating the portable message from the portable format to the original format on the second computer system ([0151]).

12. Regarding claims 5, 16, and 27, Wray disclosed the limitations as described in claims 1, 12, and 23, including wherein the source application is network-unaware ([0157]).

Regarding claims 6, 17, and 28, Wray disclosed the limitations as described in claims 1, 12, and 23, including invoking functionality of the second computer system in response to the message ([151])

Regarding claims 7, 18, and 29, Wray disclosed the limitations as described in claims 6, 17, and 28, including wherein the invoking functionality on the second computer system comprises instructing the target application to take one or more actions ([0151]).

Art Unit: 2143

13. Regarding claims 11, 22, and 33, Wray disclosed the limitations as described in claims 1, 12, and 23, including wherein the portable format comprises XML, and wherein the portable messages comprise XML messages ([0151]).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. Claims 8-9, 19-20, and 30-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wray.

15. Regarding claims 8, 19, and 30, Wray disclosed the limitations as described in claims 1, 12, and 23.

Wray did not explicitly state wherein the portable message is sent from the first computer system to the second computer system and one or more additional computer systems using multicast or broadcast peer-to-peer messaging.

Multicasting and broadcasting peer-to-peer messaging are well known ways for message communication within IP networks like the one disclosed in Wray.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate multicasting or broadcasting into the teachings of Wray to obtain the predictable result of sending the messages between devices.



16. Claims 10, 21, and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wray in view of Miller et al. (US 20050100016).

17. Regarding claims 10, 21, and 32, Wray disclosed the limitations as described in claims 1, 12, and 23.

Wray did not explicitly state wherein the portable metadata comprises a quantity of allowable network hops before the message is considered undeliverable.

Miller disclosed using a maximum hop count for packet forwarding, wherein if the hop count reaches the limit, the packet is discarded ([0071]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate using the hop count limit as disclosed in the teachings of Miller into the teachings of Wray in order to discard messages being passed around in an endless loop, thereby increasing efficiency of message passing while also reducing congestion on the network (Miller, [0071]).

### ***Conclusion***

**Examiner's Note:** Examiner has cited particular columns and line numbers in the references applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

In the case of amending the claimed invention, Applicant is respectfully requested to indicate the portion(s) of the specification which dictate(s) the structure relied on for proper interpretation and also to verify and ascertain the metes and bounds of the claimed invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to J. Bret Dennison whose telephone number is (571) 272-3910. The examiner can normally be reached on M-F 8:30am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tonia Dollinger can be reached on (571) 272-4170. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

Art Unit: 2143

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Jerry Dennison/  
Examiner, Art Unit 2143